

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Bobby Turner

Docket No. 5:07-CR-9-3FA

Petition for Action on Supervised Release

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bobby Turner, who, upon an earlier plea of guilty to Instigating or Assisting Attempted Escape and Aiding and Abetting, in violation of 18 U.S.C. §§ 752(a) and 2, was sentenced by the Honorable David A. Faber, U.S. District Judge, on August 21, 2007, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for three years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate in a vocational training program as directed by the probation office.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Bobby Turner was released from custody on October 31, 2008, at which time the term of supervised release commenced. On December 10, 2008, as a result of the defendant testing positive for cocaine on November 26, 2008, supervision was modified to include the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two days, commencing and shall abide by all rules and regulations of the designated facility.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

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As a result of the defendant testing positive for cocaine on January 5 and February 20, 2009, he served a 5-day and 10-day DROPS sanction. On April 20, 2009, the court was notified that the defendant was charged with Driving While License Revoked and agreed to continue supervision with no punitive sanctions imposed.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On June 16, 2010, Turner committed the offense of Driving While License Revoked (10CR10471), in Cumberland County, North Carolina. Turner admitted to this probation officer that he operated a motor vehicle while not properly licensed. As a sanction for this conduct, we are recommending that the conditions of supervised release be modified to include 24 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Keith W. Lawrence
Keith W. Lawrence
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 28, 2010

ORDER OF COURT

Considered and ordered this 30th day of JUNE, 2010, and ordered filed and made a part of the records in the above case.

David A. Faber
David A. Faber
U.S. District Judge